

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAN KAUFMAN, on behalf of herself  
and all others similarly situated,

Plaintiff,

-against-

ZABAR'S & CO., INC.,

Defendant.

(AST-CL)

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07 Civ. 7523 (PKC)

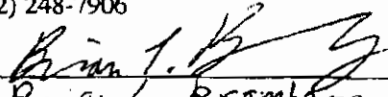
**STIPULATION AND ORDER OF  
DISMISSAL**

IT IS HEREBY STIPULATED by and between the parties to this action through  
their designated counsel that the above-captioned action be and hereby is dismissed with  
prejudice pursuant to FRCP 41(a)(1). Each party to bear his or its own attorneys' fees and costs.

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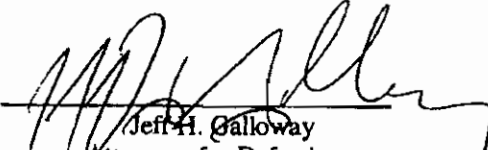
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Jeff H. Galloway  
Attorneys for Defendants

Dated: May 29, 2008

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Because the class has not been certified  
and no <sup>absent</sup> class member is bound, the court  
may approve the dismissal under Rule 41(a)(1) without  
a review or approval of the terms of the settlement.  
Rule 23(e), Fed. R. Civ. P.

SO ORDERED:



Honorable P. Kevin Castel  
United States District Judge

Dated: May 30, 2008